

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DOROTHY CLARK,

Plaintiff,

v.

CONNER GOODWIN, TOTAL  
TRANSPORTATION OF  
MISSISSIPPI, LLC,

Defendants.

CIVIL ACTION FILE NO.:

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**NOTICE OF REMOVAL**

**TO:** Judges of the United States District Court  
Northern District of Georgia, Atlanta Division

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendants, Conner Goodwin and Total Transportation of Mississippi, LLC, (hereinafter “these Defendants”) hereby remove the civil action captioned *Dorothy Clark v. Conner Goodwin and Total Transportation of Mississippi, LLC*, State Court of DeKalb County, Civil Action File No. 23A00810 from the State Court of DeKalb County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. Removal is based upon the following:

### **Removal Based on Diversity Jurisdiction**

1. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 and this matter may be removed to this Court under 28 U.S.C. §§ 1441 and 1446.

### **Description of the Action**

2. On February 21, 2023, Plaintiff filed a Complaint against these Defendants alleging negligence related to a motor vehicle accident that occurred on or about December 4, 2022, in DeKalb County, Georgia. *See generally*, Plaintiff's Complaint (Exhibit "A").

### **Consent for Removal**

3. The procedure for removing a case to Federal Court is codified in 28 U.S.C. § 1446 and requires that "all defendants who have been properly joined and served" consent to the removal. 28 U.S.C. § 1446(b)(2)(A) (emphasis added); *Cook v. Randolph County, Ga.*, 573 F.3d 1143, 1150 (11th Cir. 2009); *Tri-Cities Newspaper, Inc. v. Tri-Cities Printing Pressmen and Assistants' Local 349*, 427 F.2d 325, 326-27 (5th Cir. 1970).

4. These Defendants consent to the removal of this Action through undersigned counsel.

5. These Defendants, which are the only defendants properly joined and served within the meaning of 28 U.S.C. § 1446, file the Notice of Removal of this Action.

### **The Amount in Controversy Requirement**

6. In diversity cases, 28 U.S.C. § 1332(a) requires that the matter in controversy exceed the sum or value of \$75,000.

7. In Plaintiff's Complaint, he seeks to recover damages for personal injury, past and future pain and suffering, general damages, and unspecified special damages. *See* Plaintiff's Complaint ¶¶ 20, 24, 29, 34, 46 & 50. Plaintiff's Complaint is silent as to the amount of damages sought.

8. Pursuant to O.C.G.A. § 9-11-67.1, Plaintiff made a Holt Demand to Defendant Mountain Lake Risk Retention Group for its policy limits of \$1,000,000 on January 13, 2022. *See* Exhibit "B". Mountain Lake Risk Retention Group was later dismissed from this suit by Plaintiff. *See* Exhibit "C".

9. Thus, the amount in controversy has been established by a preponderance of the evidence pursuant to 28 U.S.C. § 1446(c)(2)(A)-(B) as shown by Plaintiff's Holt Demand to Defendant Mountain Lake Risk Retention Group.

### **The Diversity of Citizenship Requirement**

10. For diversity jurisdiction under 28 U.S.C. § 1332(a)(1), the parties must be citizens of different states.

11. Upon information and belief, Plaintiff is a resident and citizen of the State of Georgia and is entirely diverse from these Defendants. Plaintiff's Complaint alleges he is a resident of the State of Georgia. *See* Plaintiff's Complaint ¶ 1. According to the police report, Plaintiff is a resident of , Georgia. *See* Motor Vehicle Crash Report, attached as Exhibit "D". These Defendants have no information indicating Plaintiff is a citizen of any state other than Georgia.

12. Defendant Conner Goodwin is a resident and citizen of the State of Alabama and is entirely diverse from Plaintiff. *See* Defendants' Answer ¶ 2, attached as Exhibit "E".

13. Defendant Total Transportation of Mississippi, LLC is a Mississippi Domestic Profit Corporation with its principal place of business located at 125 Riverview Drive in Richland, Mississippi. Therefore, Defendant Total Transportation of Mississippi, LLC is a resident and citizen of Mississippi and is entirely diverse from Plaintiff. *See* Defendants' Answer ¶ 2.

### **Compliance with Deadline for Removal**

14. Pursuant to 28 U.S.C. §1446(b)(3), “if the case stated by the initial pleading is not removable, a notice of removal may be filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may be first ascertained that the case is one which is or has become removable.”

15. Here, no amount was prayed for in Plaintiff’s Complaint. *See generally* Complaint.

16. These Defendants have initiated removal within 30 days of receipt of a paper indicating that the amount in controversy requirement was met and the case had become removable. Based on 28 U.S.C. §1446(b)(3) this Notice of Removal is timely filed.

### **The State Court Proceeding**

17. The state court proceeding is identified as follows: *Dorothy Clark v. Conner Goodwin and Total Transportation of Mississippi, LLC*, State Court of DeKalb County, Civil Action File No. 23A00810. A Notice of this Removal will be filed with the State Court of Fulton County upon filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

**All State-Court Documents**

18. Pursuant to 28 U.S.C. § 1446(a), the following state-court filings are attached hereto: Plaintiff's Complaint (Exhibit "A"); Defendants' Answer to Plaintiff's Complaint (Exhibit "E"); Summons to Defendant Conner Goodwin, (Exhibit "F"); Summons to Defendant Total Transportation of Mississippi, LLC, (Exhibit "G"); and Acknowledgement of Service by Defendants, Conner Goodwin and Total Transportation of Mississippi, LLC, (Exhibit "H"). Written discovery requests served by Plaintiff have not been attached for the sake of brevity.

**WHEREFORE**, these Defendants exercise their right under the provisions of 28 U.S.C. § 1441, *et seq.* to remove this action from the State Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 31<sup>st</sup> day of August, 2023.

**NALL & MILLER, LLP**

BY: 

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*Attorney(s) for Conner Goodwin and Total  
Transportation of Mississippi, LLC*

**CERTIFICATE OF COMPLIANCE WITH N.D. GA. LOCAL RULE 5.1B**

This is to certify that this pleading was created in Times New Roman 14-point font in accordance with Northern District of Georgia Local Rule 5.1B.

This 31<sup>st</sup> day of August, 2023.

**NALL & MILLER, LLP**

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***Attorney(s) for Conner Goodwin and Total  
Transportation of Mississippi, LLC***



**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the within and foregoing **NOTICE OF REMOVAL (Federal)** with the Clerk of Court in this matter using the Court's Electronic Filing System which will serve a true copy of same upon the following counsel of record:

Riley W. Snider.  
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*Counsel for Plaintiff*

This 31<sup>st</sup> day of August, 2023.

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